

REPUBLIC OF NAMIBIA



HIGH COURT OF NAMIBIA MAIN DIVISION, WINDHOEK

Case No: HC-MD-CIV-MOT-2022/00295

In the matter between:

FELIX NDARA LIKUWA

APPLICANT

and

LETSHEGO MICRO FINANCIAL SERVICES

NAMIBIA (PTY) LTD

1ST RESPONDENT

LETSHEGO BANK NAMIBIA LTD

2ND RESPONDENT

ENTREPO FINANCIAL SERVICES (PTY) LTD

3RD RESPONDENT

NAMIBIA FINANCIAL INSTITUTIONS SUPERVISORY

AUTHORITY (NAMFISA)

4TH RESPONDENT

BANK OF NAMIBIA

5TH RESPONDENT

MINISTER OF FINANCE

6TH RESPONDENT

AVRIL PAYMENT SOLUTIONS (PTY) LTD

7TH RESPONDENT

Neutral Citation: *Likuwa v Letshego Micro Financial Services Namibia (Pty) Ltd*
HC-MD-CIV-MOT-2022/00295 [2023] NAHCMD 333 (16 June
2023)

Coram: OOSTHUIZEN J

Result on Merits: Application for leave to appeal refused.

Having heard Mr. Strydom for applicant, Ms Van der Westhuizen for first and second respondents and Mr. Heathcote SC, assisted by Ms De Jager for third respondent and having considered the papers and arguments filed of record:

It is ordered that:

1. The application for leave to appeal is dismissed with costs.
2. The applicant shall pay the costs of the first to the third respondents inclusive of the instructing legal practitioners (2) and instructed counsel (3) as before.
3. The matter is finalised and removed from the roll.

Reasons:

[1] Nothing argued by the applicant for leave to appeal has changed the orders and reasons delivered by me on 27 February 2023.

[2] The applicant in an application for leave to appeal, must show that he has a reasonable prospect of success on appeal and that the appeal court, being reasonable, may find in his favour. The applicant has an insurmountable hindrance, and that is the judgment of the very court he intends to appeal to in *Hepute and Others vs Minister of Mines and Energy and Another*.¹

[3] The reasons and orders in *Likuwa v Letshego Micro Financial Services Namibia (Pty) Ltd*² delivered on 27 February 2023 are repeated and incorporated herein and the grounds of appeal raised herein do not pass muster in order to sway my earlier findings and to grant the applicant leave to appeal.

[4] Therefore, leave to appeal is refused

¹ *Hepute and Others vs Minister of Mines and Energy and Another* 2008 (2) NR 399 (SC), paras [23],[24],[25] and [29] to [31].

² *Likuwa v Letshego Micro Financial Services Namibia (Pty) Ltd* (HC-MD-CIV-MOT-GEN-2022/00295) [2023] NAHCMD 78 (27 February 2023)

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G H OOSTHUIZEN
JUDGE

Note to the applicant:

The reasons hereby provided should be lodged together with any petition made to the Chief Justice of the Supreme Court.

APPEARANCES

APPLICANT:

J Strydom

Instructed by Du Pisani Legal
Practitioners, Windhoek.

FIRST AND SECOND RESPONDENTS:

CE Van der Westhuizen

Instructed by Dr weder, Kauta &
Hoveka Inc, Windhoek

THIRD RESPONDENT:

R Heathcote, with B de Jager

Instructed by Van der Merwe- Greeff
Andima Incorporated, Windhoek